

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.6310 of 2007

Between:

D.Gopal Rao.

.. PETITIONER

and

A.P.State Civil Supplies Corporation Limited and others.

RESPONDENTS

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ORDER:

The petitioner seeks a Writ of Mandamus to direct the 2nd respondent to complete enquiry and pass appropriate orders, pursuant to the notice, dated 23-09-2005.

It is the case of the petitioner that he was appointed as Stage-II Transport Contractor for the period from 05-09-2005 to 30-06-2007 for Sulthanbad MLS point for transportation of essential commodities to the fair price shops of Sulthanabad, Srirampur, Odela and Yeligaid Mandals. Accordingly, the work order No.PDS/Movt.5(1)/2005, dated 05-09-2005 was issued by the District Manager, A.P.State Civil Supplies Corporation Limited, Karimnagar, in favour of the petitioner. It is stated that while the petitioner was transporting 165 quintals of Food for Work Rice to handover to the fair price shop dealers at Gundlapalli and Kangarthi villages of Odela Mandal, the said lorry along with the said stock has been seized by the Mandal Revenue Officer, Sulthanaband, on the ground that it was being diverted to Peddapally deviating the original route to Odela Mandal.

Pursuant to the said seizure, the 2nd respondent issued a notice, dated 23-09-2005, to explain reasons as to why appropriate action shall not be taken for violation of the terms of the agreement, within three days, otherwise, action will be initiated as per the material available without any further notice.

It is stated that the petitioner filed explanation on 06-10-2005, but the 2nd respondent neither conducted any enquiry nor passed any order, pursuant to the notice, dated 23-09-2005.

The learned Standing Counsel appearing for the respondents submits that in fact a criminal case is pending with regard to the said

seizure of 165 quintals of Food for Work Rice.

I am of the opinion that any pendency of the criminal case is nothing to do with taking appropriate action under the terms and conditions of the agreement entered into in favour of the petitioner. Having issued a notice, dated 23-09-2005, for taking appropriate action, there cannot be any justification on the part of the 2nd respondent to keep quiet without completing enquiry and without passing any order.

It is stated that the petitioner did not continue for transportation of essential commodities as per the contract, but he was allowed to continue upto May, 2006 only.

I am not inclined to express any opinion with regard to the merits of the case as the writ petition is filed only to direct the 2nd respondent to pass appropriate order, pursuant to the notice, dated 23-09-2005.

Accordingly, the writ petition is disposed of directing the 2nd respondent to pass appropriate order, pursuant to the notice, dated 23-09-2005, as expeditiously as possible, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

05-04-2007

Prv